

IN THE SENATE

SENATE JOINT RESOLUTION NO. 105

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE LOCATION AND DISPOSITION OF PUBLIC LANDS; TO PROVIDE THAT THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE SALE OR OTHER DISPOSITION OF THE GENERAL GRANTS OF LAND MADE BY CONGRESS TO THE STATE FROM TIME TO TIME, AND FOR THE SALE OF TIMBER ON ALL STATE LANDS, AT PUBLIC AUCTION OR THROUGH SUCH OTHER MEANS A PRUDENT INVESTOR WOULD USE WHILE CONSIDERING THE PURPOSES AND TERMS OF THE TRUST AND WHILE EXERCISING REASONABLE CARE, SKILL AND CAUTION, TO PROVIDE THAT THE PROCEEDS FROM ANY DISPOSITION OF LANDS SHALL BE FAITHFULLY APPLIED IN ACCORDANCE WITH THE TERMS OF THE GRANTS, AND TO PROVIDE THAT LAND IS TO BE SOLD IN SUBDIVISIONS OF NOT TO EXCEED SIX THOUSAND FOUR HUNDRED ACRES OF LAND TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION, RATHER THAN SOLD IN SUBDIVISIONS OF NOT TO EXCEED THREE HUNDRED AND TWENTY ACRES OF LAND TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 8, Article IX, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 8. LOCATION AND DISPOSITION OF PUBLIC LANDS. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be granted to or acquired by the state by or from the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum long term financial return to the institution to which granted or to the state if not specifically granted; provided, that no state lands shall be sold for less than the appraised price. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands, subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the general grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust, ~~subject to disposal at public auction~~ for the use and benefit of the respective object for which said grants of land were made, and ~~the legislature shall provide~~ for the sale or other disposition of said lands from time to time, and for the sale of timber on all state lands, and for

1 ~~the faithful application of~~ at public auction or through such other
 2 means a prudent investor would use while considering the purposes
 3 and terms of the trust and while exercising reasonable care, skill
 4 and caution. ~~The proceeds thereof from any disposition of lands~~
 5 ~~shall be faithfully applied in accordance with the terms of said~~
 6 ~~grants; provided, that not to exceed~~ No more than one hundred sec-
 7 tions of state lands shall be sold in any one year, and to be sold in
 8 subdivisions of not to exceed ~~three hundred and twenty six thousand~~
 9 ~~four hundred~~ acres of land to any one individual, company or cor-
 10 poration. The legislature shall have power to authorize the state
 11 board of land commissioners to exchange granted or acquired lands
 12 of the state on an equal value basis for other lands under agreement
 13 with the United States, local units of government, corporations,
 14 companies, individuals, or combinations thereof.

15 SECTION 2. The question to be submitted to the electors of the State of
 16 Idaho at the next general election shall be as follows:

17 "Shall Section 8, Article IX, of the Constitution of the State of Idaho
 18 be amended to provide that the Legislature shall provide by law for the sale
 19 or other disposition of the general grants of land made by Congress to the
 20 state from time to time, and for the sale of timber on all state lands, at pub-
 21 lic auction or through such other means a prudent investor would use while
 22 considering the purposes and terms of the trust and while exercising reason-
 23 able care, skill and caution; to provide that the proceeds from any dispo-
 24 sition of lands shall be faithfully applied in accordance with the terms of
 25 the grants; and to provide that land is to be sold in subdivisions of not to
 26 exceed six thousand four hundred acres of land to any one individual, com-
 27 pany or corporation, rather than sold in subdivisions of not to exceed three
 28 hundred and twenty acres of land to any one individual, company or corpora-
 29 tion?".

30 SECTION 3. The Legislative Council is directed to prepare the state-
 31 ments required by Section 67-453, Idaho Code, and file the same.

32 SECTION 4. The Secretary of State is hereby directed to publish this
 33 proposed constitutional amendment and arguments as required by law.